

### **REMARKS**

Amendments to claims 1, 29, 32, 36, and 46 are for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

#### **I. CLAIM REJECTIONS UNDER § 101**

Claims 32-39 and 46-49 stand rejected under § 101. Claims 32 and 36 have been amended to clarify that the process is caused to be performed by a “computer.” Claim 46 has been amended to clarify that the system is a “computer” implemented system. Thus, claims 32, 36, and 46 have been amended to remove the alleged deficiencies pointed out in the Office Action.

#### **II. CLAIM REJECTIONS UNDER § 102**

Claims 1-22, 29-39, and 46-49 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,734,837 (Flores). Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claim elements must be found, either expressly or inherently, in the cited reference.

#### **Claims 1, 32, 36, and 46**

Claim 1 has been amended to recite an entity model representative of an entity to which a task associated with said business process can be assigned, wherein said entity model comprises information regarding a work efficiency of said entity. Claims 36 and 46 have been amended to recite similar limitations. Claim 32 has been amended to recite an entity template representative of an entity to which a task associated with a business process can be assigned, wherein said entity template comprises information regarding a work efficiency of said entity. Flores does not disclose or disclose an entity model/template that comprises information regarding a work efficiency of an entity. For at least the foregoing reasons, claims 1, 32, and 36, and their respective dependent claims, are believed allowable over Flores.

#### **Claim 29**

Claim 29 recites obtaining data regarding *a result of a performance* of said task (Emphasis Added). Flores does not disclose or suggest such limitation. According to the Office Action, column 5, lines 38-51 of Flores allegedly disclose the above limitation. However, the cited passage of Flores actually discloses:

**Workflow APIs**

The workflow APIs 63 provide a programming interface to access the services of the workflow server. Workflow enabled applications, STF processors and the application builder are all developed using these APIs. APIs used by a workflow system are as follows: forms and views API, transactions API, definitions API, names and routings API, schedule API, server administration API, and reporter API. The APIs other than the forms and views API 64 and the definitions API as needed to implement the Application Builder are described in co-pending application Ser. No. 08/014,796 filed Feb. 8, 1993, although a description of the definitions API as needed to implement the invention which is described in the co-pending application is set forth therein.

Thus, the cited passage of Flores discloses workflow application program interfaces (APIs) that are used to develop application and application builder. There is nothing in the cited passage of Flores that discloses or suggests obtaining data regarding *a result of a performance* of a task. For at least the foregoing reason, claim 29 and its dependent claims are believed allowable over Flores.

Claim 29 also recites comparing said data with data associated with previously created business process. According to the Office Action, column 6, lines 10-19 of Flores allegedly disclose such limitation. However, the cited passage of Flores actually discloses:

**Workflow Application Builder**

The workflow application builder 67, which is the invention described herein, is a Graphical User Interface (GUI) application that allows a business process designer to specify the business process design with its network of workflows. The application builder, in turn, creates or edits the workflow definitions databases that define the business process and that will be used by the workflow server. The workflow application builder also generates forms and views for client workflow enabled applications.

Thus, the cited passage of Flores discloses a workflow application builder for creating or editing workflow definitions databases. There is nothing in the cited passage of Flores that discloses or suggests comparing data (regarding a result of a performance of a task) with data associated with

a previously created business process. For this additional reason, claim 29 and its dependent claims are believed allowable over Flores.

Claim 29 also recites automatically determining an optimized business process based at least on said comparing. The cited passage (column 6, lines 20-25) of Flores does not disclose or suggest such limitation. Rather, it discloses:

**Workflow Analyst**

The workflow analyst 69 is a GUI application that allows a business process analyst to specify the map of business processes with its network of workflows. Its output is readable by the application builder which will update the definitions database of the server.

Thus, the cited passage of Flores discloses a workflow analyst for allowing an analyst to specify a business processes map. There is nothing in the cited passage of Flores that discloses or suggests automatically determining an optimized business process, much less, automatically determining an optimized business process based on a comparison (of data regarding a result of a task performance and data associated with a previously created business process). For this additional reason, claim 29 and its dependent claims are believed allowable over Flores.

New Claims 50-61

New claims 50-61 are believed allowable over Flores for at least the reason that Flores does not disclose or suggest the subject matter described in these claims.

**CONCLUSION**


If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7060032001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7060032001**.

Respectfully submitted,

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